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UNIVERSITY OF ILLINOIS

THREE QUERIES, AND ANSWERS to them.

First Query,

WHeber the matter of the late Declaration, be illegal?
First Answer, It is altogether illegal: The Foot upon which the Declaration stands, being a Power not Only to dispence in Contingent and Particular Cases, which if the Law-givers could have fore-seen, Then they would have provided against it; But the Dispensing with all sorts of Laws in Cases contrary to the very Design and End of making them Such a Power, is not properly a Dispensing, but a Disanulling Power, and is highly prejudicial to the King himself, because it takes away that Faith and Trust which His People repose in Him, when a Law is made, which They look upon as Their Security.

Secondly, It is true, Each Bishop or Minister is not a capable Judge in such cases, but he is the Judge for his own private Conscience, against which he must not go.

Thirdly, This Case is Publickly Adjudged against in Parliament 1672. (Secondly) The general forbearance of Addresses grounded upon the Illegality of that Dispensing Power, shews this to have been the Judgment of the greatest part of the Clergy and Others. (Thirdly) The Declaration of the present Judges, goes no further than such a Military Case of Sir Edward Hayles, for it was a Particular Judgment upon that particular Case, and in whatsoever words it was express, it never yet came Legally to the Cognizance of the Subject.

Fourthly, The Bishops refusing to send the Order and Declaration, the Ministers have something more than their own private Judgments to move them to refuse to Read it.

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Second Query.

Whether an Unlawful Matter may be Lawfully Published?

Answer. An Unlawful Matter is not to be Publisht, if he who publishes it thinks the matter Unlawful. For,

First, It cannot come to him, being Illegal, by any Legal Authority, for the King can do no Illegal Thing; and if His Officers do it, they do it not by the King's Authority: And therefore the refusing of it is no Disobedience, being no Illegal Refusal.

Secondly, If then the Bishops and Ministers publish the Declaration, they do it Voluntarily as their Own Act, and consequently publish an Illegal Thing, without Legal Authority; They are Punishable for it, having done what they had no Legal Authority to do.

Third Query.

What are the ill Consequences of Reading the Declaration?

Answer, They are many, and great, and therefore in Prudence as well as Conscience, It Ought not to be done.

First, Great Numbers will Justly Judge the Clergy Cowards and Hypocrites, in Publishing what they think Illegal, and Illegally Sent to them.

Secondly, Many who have Votes for Parliament Men, will take this for the Consent of the Publishers, and be strengthened in the choosing such Men as shall be Friends, not only to the Indulgence, but to the Foundation of it, the Dispensing Power.

Thirdly, They will have reason to take this for a Consent to it, because there can be no other Intention in Ordering it to be Publisht, but to make the Clergy Parties to it, for it is as much known before it be Read, as it will be after the Reading of it; Therefore the making it Known, is not the Only Thing intended.

Fourthly, And so it will be Interpreted and Improved by those that intend to make their Advantage by it, who will publish it in the Gazette, Publick Occurrences, and other Papers, *That the Clergy hath Approv'd His Majesty's Declaration of Liberty of Conscience, by their Solemn Reading of it in their Churches in the time of Divine Service.*

Fifthly, After which they may Expect further Things may be Ordered to be Published by them, at which they must make a Stand, and their making a Stand when they have lost their Reputation, will be of no force: It is best then to stop at first, Especially considering the Weight of this Matter: All Our Laws and the

the Test, and Our Interest in Them, being Concerned therein.

Objections in General.

It may be Objected, That there will be great Inconveniencies on the other side. To which it may be Answered,

If the thing be Illegal, both in the Matter and the Publication, we are not to do it for fear of its inconveniencies, but to perform our Duty, and to leave the event to God, a certain Evil must not be done to avoid a contingent one.

Objections in Particular.

It may be Objected (first) This will be Interpreted by the Papist as a failure in our great Principles of Loyalty. To which *Three* things may be Answered,

First, That our non Addressing was so Interpreted in Books as well as Discourses, but had no effect to blast our Loyalty, tho the Clergy refused to *Address* even in a Branch that made for themselves, because of that one Foundation on which that cause stood, with the rest of the Dispensing Power.

Secondly, Loyalty being Obedience according to Law, They are the Loyal Men who act not contrary thereto. And the best Friends to the Crown are those which support the Law.

Thirdly, They still maintain the Principle of Suffering without any Un-Christian Opposition.

Second Objection, It may be further Objected, That Dissenters will construe this Refusal, as a Declaration against all Tenderness to them.

Answer, To which it may be Answered, (first) That they had never such assurances from our Churchmen of their Inclination to Tenderness to them as they have now received.

Secondly, They cannot but see, That this Refusal was not to hinder any favours towards them, by this Indulgence, but the Dispensing Power, which if it takes place, They cannot but discern, That a New *Magna Charta* for Liberty of Conscience will be of no validity to them, for a New Declaration may dispence with it at pleasure.

Lastly, The wisest and best of them do look upon our Refusal as a Testimony of our sincerity to the *Protestant Religion*, and not of any disaffection to them.

Third objection, It may be Objected, That Suspension or Deprivation of the Refusers may follow, whereby the People of our Church may be left as Sheep without a Shepherd.

Answer,

Answer. First, The Church and our Religion, will suffer less by the Consciousness of their Suspended Ministers, than it will by their Illegal Complyance in so great and Fundamental a Point.

Secondly, God will provide for them, being his Cause for which they suffer.

Thirdly, They have other Thoughts of the *KING's* Clemency and Justice, when He is informed by Men of Consciences against the Councils of Men of Interest. For how can the *KING* (at the very time he proclaims entire Liberty of Conscience to all, even those who formerly were lookt upon his Enemies) do an open violence to the *Consciences* of those who have ever been acknowledged to be his Friends. When He considers it, He will not deny to us alone what He grants to every body else. This in duty we ought to conclude of, if we be mistaken, it may serve to free others from more dangerous Errours.
